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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,831	09/26/2000	Gordon Wayne Dyer		4367

7590 10/02/2003

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EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
	25

1733
DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,831	DYER, GORDON WAYNE	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15, 17-19, 21,22,31-,32,34,36,37, and 40-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34 is/are withdrawn from consideration.
- 5) Claim(s) 19,21,22,37 and 43-49 is/are allowed.
- 6) Claim(s) 15,17,18,36, and 40-42 is/are rejected.
- 7) Claim(s) 31 and 32 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/03 has been entered.

Response to Amendment

2. The amendments to the specification filed on 6/30/03 were not entered because amendments to existing language in the specification must include the entire paragraph in which the change is to be made and the placement for insertion of new paragraphs must be indicated by page and line. See 37 CFR 1.121 (note new changes effective 7/30/03 <http://www.uspto.gov/web/offices/pac/dapp/ropa/preognote/officeflyer.pdf>).

Claim Objections

3. Claim 45 is objected to because of the following informalities: in line 4 "shaped" should read - - shape - - and at line 6 "center to the plastic" should read - - center of the plastic - -. Appropriate correction is required.

4. Claims 31 and 32 are objected to because they depend from claim 26, which has been cancelled. It is suggested to cancel claims 31 and 32. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15, 17, 18, 36, and 40-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 15, the step of "applying microwave radiation for a time effective to anneal the formed glass and the formed plastic together" and in claim 40 the step of applying sealant "after the microwave radiation has annealed the glass and plastic together" contains new matter that was not described in the specification at the time the application was filed. There is no mention in the specification of annealing the formed glass and the formed plastic together. One skilled in the art reading the specification as a whole, at the time the application was filed, would not have appreciated that applicant had possession of annealing the formed glass and the formed plastic together. It appears from Applicant's arguments filed on 6/30/03 and disclosure that the microwave radiation optically contacts the formed glass and the formed plastic together. It is suggested to amend claims 15 and 40 to replace anneal with optically contact.

It is noted that the disclosure does not specifically state the glass and plastic are optically contacted using microwave radiation, however one skilled in the art reading the specification as a whole would have readily appreciated that the microwave radiation optically contacts the glass and plastic together and that applicant had possession of this at the time of filing and therefore amending the claim to say such is not new matter. It is also suggested to amend the specification to clearly state such. It is suggested to amend the following amendments to the specification, which were not entered as explained above, to read: "The present invention also includes a method of forming a glass and plastic composite using optical contacting to hold the glass and plastic portions together **using microwave radiation**" and "It is characteristic of the present invention to provide a method of optically contacting together the glass and the plastic during the bonding process of forming the resultant optical composite **using microwave radiation**".

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 15, 17, 18, 36, and 40-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because it is unclear how applying microwave radiation for an effective amount of time will anneal the glass and plastic together. Annealing is a process of subjecting glass or metal to heat and slow cooling so as to toughen and reduce brittleness. Annealing is not a bonding process and it is unclear how glass and

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plastic can be annealed together. It is suggested to amend the claims in the manner suggested above.

Allowable Subject Matter

9. Claims 15, 17, 18, 36, and 40-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action as suggested above.

10. Claims 19, 21, 22, 37, and 43-49 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 15 and 45, the prior art of record fails to suggest a method of making a glass and plastic composite comprising a step of applying microwave radiation for a time effective to optically contact the formed plastic and formed glass. As noted in Applicant's arguments filed on 6/30/02 optical contacting is a term of art wherein two surfaces are adhered without the use of adhesive.

Regarding claims 19 and 45, the prior art of record fails to suggest a method of making a glass and plastic composite comprising a step of applying sealant only to a margin of the glass and a margin of the plastic whereby the center of the glass and the center of the plastic are devoid of sealant.

Kohan discloses a method for making plastic/glass laminates for use as an ophthalmic lens by adhering a wafer lens (plastic) to a base or stock lens (glass) (Column 1, lines 5-8). Both the glass lens and the plastic lens are formed to a particular

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shape with a center and a margin and the plastic lens is formed so the shape is adapted to the shape of the glass (See Figure 1). Adhesive is placed on the plastic lens, the glass lens is placed on top and the two are bonded under pressure with the use of microwave energy to cure the adhesive and thereby affix the formed plastic and formed glass together (Column 14, lines 19-21). There is no suggestion of using microwave radiation to optically contact the glass and plastic together (bond without adhesive) or keep the center of the glass and plastic devoid of adhesive.

Conclusion

12. In summary this application contains allowable subject matter and will be allowed if the following amendments are made:

1. In claim 15 replace "anneal" with - - optically contact - -.
2. In claim 40 replace "annealed" with - - optically contacted - -.
3. In claim 45, line 4 "shaped" should read - - shape - - and at line 6 "center to the plastic" should read - - center of the plastic - -.
4. Cancel claims 31 and 32 because they depend on cancelled claim 26.
5. Cancel nonelected claims 1-14 and 34.
6. Resubmit the amendments to the specification in proper format (see 37 CFR 1.121) and amend the above specified amendments to state that the optical contacting is achieved using microwave radiation.
7. It is noted that **all amendments to the specification and claims must be made in compliance** with 37 CFR 1.121 which was amended as of 7/30/03. (See <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John T. Haran
Examiner
Art Unit 1733